1 2 3 4 5 6	Mary Jo O'Neill, AZ Bar No. 005294 Sally C. Shanley, AZ Bar No. 012251 Valerie L. Meyer, CA Bar No. 228586 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, P 3300 North Central Avenue, Suite 690 Phoenix, Arizona 85012-2504 Telephone: (602) 640-5016 Fax: (602) 640-5009 E-Mail: mary.oneill@eeoc.gov sally.shanley@eeoc.gov valerie.meyer@eeoc.gov Attorneys for Plaintiff	hoenix District Office
7	IN THE INITED STATES DISTRICT COLID	
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE DISTRICT OF ARIZONA	
10	PRESCOTT DIVISION	
11) Case No.: TBA
12	EQUAL EMPLOYMENT	COMPLAINT
13	OPPORTUNITY COMMISSION,	JURY TRIAL DEMANDED
14	Plaintiff,	
15	VS.	
16	RV FUN, INC., an Arizona corporation,	
17	d/b/a COWBOYS RV MART,	
18	Defendant	
19	NATURE OF THE ACTION	
20	This is an action under Titles I and V of the Americans with Disabilities Act of 1990	
21	("ADA") and Title I of the Civil Rights Act of 1991 to correct unlawful employment	
22	practices on the basis of disability and to provide appropriate relief to Christiaan C.	
23	Calhoon, who was adversely affected by such practices. The Commission alleges that	
24	RV Fun, Inc. ("RV Fun") discriminated against Mr. Calhoon on the basis of his	
25	disability, Attention Deficit Disorder ("ADD"), when it denied him a reasonable	
26	accommodation in his position of Recreational Vehicle (RV) Cleaner and Washer and	
27	when it discharged him because of his disability and because he requested a reasonable	
28	accommodation.	

JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
- 2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Arizona.

PARTIES

- 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1).
- 4. At all relevant times, Defendant, RV Fun, Inc., an Arizona corporation, has continuously been doing business in the state of Arizona and the city of Lake Havasu City, and has continuously had at least 15 employees.
- 5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C.§ 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).
- 6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

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STATEMENT OF CLAIMS

- 7. More than thirty days prior to the institution of this lawsuit, Christiaan Calhoon filed a charge with the Commission alleging violations of Titles I and V of the ADA by Defendant RV Fun. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 8. Christiaan Calhoon is a qualified individual with a disability and is covered by Title I of the ADA, 42 U.S.C. §§ 12101 et seq.
- 9. Christiaan Calhoon is experienced in commercial janitorial and cleaning work and worked in a janitorial and cleaning capacity for RV Fun.
- 10. Since at least April 7, 2004, Defendant RV Fun has engaged in unlawful employment practices at its Lake Havasu City, Arizona location, in violation of Titles I and V of the ADA, 42 U.S.C. §§ 12101 et seq. These practices include:
 - a. Denying Mr. Calhoon a reasonable accommodation;
 - b. Discharging Mr. Calhoon because of his disability; and
 - c. Discharging Mr. Calhoon because he requested a reasonable accommodation.
- 11. The effect of the practices complained of in paragraph 10 above has been to deprive Christiaan Calhoon of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability.
- 12. The unlawful employment practices complained of in paragraph 10 were intentional.
- 13. The unlawful employment practices complained of in paragraph 10 above were done with malice or with reckless indifference to the federally protected rights of Christiaan Calhoon.

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PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant RV Fun, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in those actions alleged in paragraph 10 and any other employment practice which discriminates on the basis of disability.
- B. Order Defendant RV Fun to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disability, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant RV Fun to make whole Christiaan Calhoon by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to institution of training programs which educate employees about disability and anti-discrimination laws and transmission of a letter of apology to Christiaan Calhoon.
- D. Order Defendant RV Fun to make whole Christiaan Calhoon by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
- E. Order Defendant RV Fun to pay Christiaan Calhoon punitive damages for its malicious and reckless conduct, as described in paragraph 10 above, in amounts to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the Commission its costs in this action.

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JURY TRIAL DEMAND 1 The Commission requests a jury trial on all questions of fact raised by its 2 complaint. 3 4 RESPECTFULLY SUBMITTED, this 30th day of June, 2006, 5 6 JAMES L. LEE 7 Deputy General Counsel 8 **GWENDOLYN YOUNG REAMS** 9 Associate General Counsel 10 EQUAL EMPLOYMENT 11 OPPORTUNITY COMMISSION 12 1801 L Street, N.W. Washington, D.C. 20507 13 14 s/ Mary J. O'Neill 15 MARY JO O'NEILL 16 Regional Attorney 17 s/Sally C. Shanley 18 SALLY C. SHANLEY Supervisory Trial Attorney 19 20 s/ Valerie L. Meyer VALERIE L. MEYER 2.1 Trial Attorney 22 **EQUAL EMPLOYMENT** 23 OPPORTUNITY COMMISSION 24 Phoenix District Office 3300 N. Central Ave., Suite 690 25 Phoenix, Arizona 85012 26 27